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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/990,077	11/21/2001	Hsien-Chung Woo	0023-0158	1510

44987 7590 08/24/2007  
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EXAMINER
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ABELSON, RONALD B

ART UNIT	PAPER NUMBER
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2616

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/990,077	<b>Applicant(s)</b> WOO, HSIEN-CHUNG	
	<b>Examiner</b> Ronald Abelson	<b>Art Unit</b> 2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 July 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 16-24 and 27-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 16-24 and 27-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11/21/02 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

Art Unit: 2616

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 16-19, 21, 23, 24, 27, 28, 31-35, 37, and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ishibashi (US 5,663,949) in view of Mazzurco (US 7187649), Parikh (US 4,551,836), Okabe (US 6,031,838), and Jantzen (6,973,029).

Regarding independent claims 16, 18, 27, 34, and 38, Ishibashi (US 5,663,949) teaches an ingress port for receiving an incoming stream of data packets (fig. 27 box 5: see input from line 130).

Ishibashi teaches two forwarding planes (fig. 27 box 2, col. 2 lines 11-16).

Art Unit: 2616

Ishibashi teaches a transfer unit configured to transmit the data packets contained in the received incoming stream to each of two forwarding planes (fig. 27 box 2, col. 2 lines 11-16).

Ishibashi teaches an egress port for transmitting an outgoing stream of data packets (fig. 27 box 5: see output to line 130).

Although Ishibashi teaches two forwarding planes, the reference is silent on a switchover unit, when a group of three or more forwarding planes are connectable to the interface module the switchover unit being configured to select two forwarding planes of the group.

Mazzurco teaches a switchover unit, when a group of three or more devices are connectable to the interface module the switchover unit being configured to select two devices of the group (fig. 2 box 28, lines 24a, 24b, 26, Selector 28 may also broadcast over protection channel upon detecting failure in any of working channels 24, col. 3 lines 3-8).

Therefore it would have been obvious to one of ordinary skill in the art, to modify the system of Ishibashi by adding a third forwarding plane / ATM Switch, and selecting two forwarding planes / channels, for transmission, as shown by

Art Unit: 2616

Mazzurco. This modification can be performed by adding a third fiber interface common card (fig. 27 box 4) and connecting each interface card (fig. 27 box 5) the third fiber interface common card and connecting the third fiber interface common card the ATM Switch. This modification would benefit the system in case of failure of one of the working channels (Mazzurco: col. 3 lines 3-8).

The combination is silent on identical state information is maintained in the two forwarding planes or the selected two forwarding planes.

Parikh teaches identical state information is maintained in the two forwarding planes / processors (col. 2 lines 37-39).

Therefore it would have been obvious to one of ordinary skill in the art, to modify the system of the combination by maintaining identical state information in each of the selected forwarding planes / ATM Switches, as shown by Parikh. This modification can be performed according to the teachings of Parikh. This modification would benefit the system in the case of failure of one of the forwarding planes / ATM Switches.

The combination is silent on the state / control information being obtained from the incoming data packets

Art Unit: 2616

Okabe (US) teaches the state / control information being obtained from the incoming data packets (adding, onto cell header, active/standby identification, col. 4 lines 8-11).

Therefore it would have been obvious to one of ordinary skill in the art, to modify the system of the combination by transmitting state information / (active standby) in the packet header. This modification can be performed in software. This modification would benefit the system by providing a method for dynamically updating state information.

Although the combination teaches the switchover unit (Ishibashi: fig. 27 box 5) receiving information from the selected two forwarding planes and to form the outgoing stream of data packets from data packets received from the selected forwarding plane (fig. 27 box 5: see output along lines 130), the reference is silent on switchover unit is configured to select one of the two forwarding planes to form the outgoing stream of data packets from data packets received from the selected forwarding plane.

Jantzen (US 6,973,029) teaches select one of two inputs and to form an outgoing stream of data packets from data packets received from the selected inputs (fig. 2 box 312, col. 4 lines 23-30).

Art Unit: 2616

Therefore it would have been obvious to one of ordinary skill in the art, to modify the system of combination by selecting in the switchover unit / interface card, data from one on the forwarding planes / ATM Switches, as suggested by Jantzen. This modification can be performed by selecting the higher quality data signal. This modification would benefit the system by ensuring that the output signal (Ishibashi: see output from boxes 5 along lines 130) will be of sufficient quality to be used by the network.

Regarding claim 17, the switchover unit selects one of the two forwarding planes or the selected two forwarding planes in response to receipt of a signal indicating the status of one or more of the two forwarding planes or the selected two forwarding planes (Mazzurco: col. 3 lines 12-14).

Regarding claims 19, 28, and 35, a routing engine, coupled to each of the first and second forwarding planes, for computing route information using routing protocols (Mazzurco: routes information, col. 3 lines 40-43).

Regarding claims 21, 31, and 37, the first interface module selects one of the first or second forwarding planes in response

Art Unit: 2616

to a signal indicating the status of one or more of the forwarding planes (Mazzurco: unfailed working channels, col. 3 lines 13-17).

Regarding claims 23 and 32, the received packets comprise at least one of data packets or control packets (Mazzurco: Selector 28 receives two information lines, col. 3 lines 3-6). Examiner corresponds the applicant's data packets with the information of Mazzurco.

Regarding claims 24, 33, the data packets comprise historical state information (Parikh: col. 2 lines 37-39).

3. Claim 20, 29, and 36 rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Ishibashi, Mazzurco, Parikh, Okabe and Jantzen as applied to claims 19, 28, and 35 above, and further in view of Ofek (US 6,778,536).

Although the combination teaches routing via route information computed by the routing engine, the combination is silent on each of the first and second forwarding planes forwards received packets for transmission based on address information contained in respective packets.



Art Unit: 2616

Ofek teaches routing via received packets for transmission based on address information contained in respective packets (specific routing information in the packet's header, col. 11 lines 3-8).

Therefore it would have been obvious to one of ordinary skill in the art, to modify the system of combination by the first and second forwarding planes forwards received packets for transmission based on address information contained in respective packets, as suggested by Ofek. This modification can be performed in software. This modification would benefit the system since this is the standard method of routing and following this procedure would allow the system to be more easily integrated into larger systems.

4. Claim 22 and 30 rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Ishibashi, Mazzurco, Parikh, Okabe and Jantzen as applied to claims 19 and 28 above, and further in view of Crocker (US 7,197,052).

The combination is silent on the state information comprises configuration information associated with the routing engine.

Crocker teaches on the state information comprises configuration information associated with the routing engine

Art Unit: 2616

(routing engine configured to receive updated configuration and/or state information, col. 17 lines 28-33).

Therefore it would have been obvious to one of ordinary skill in the art, to modify the system of the combination by updating the routing engine with updated configuration information, as shown by Crocker. This modification can be performed in software. This modification would benefit the system by ensuring that the routing engine routes the current incoming data according to the current system requirements.

#### ***Response to Arguments***

5. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

#### ***Conclusion***


6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald Abelson whose telephone number is (571) 272-3165. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wing Chan can be

Art Unit: 2616

reached on (571) 272-7439. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Ronald Abelson  
Examiner  
Art Unit 2616

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